

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 11, and 46-48 have been amended, and claim 49 has been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-14, 34, 38, 42, and 46-49 are pending and under consideration.

Applicants respectfully request that the Examiner acknowledge the claim of foreign priority under 35 U.S.C. §119, and that the certified copies of the priority documents have been received.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 2, item 2, the Examiner rejected claims 1-31 and 33-48 under 35 U.S.C. §102(b) as being anticipated by Nicot et al., (US 5,611,545 – hereinafter Nicot). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Applicants respectfully submit that claims 15-33, 35-37, 39-41, and 43-45 were cancelled in the Preliminary Amendment filed June 27, 2003.

Further, Applicants respectfully submit that Nicot does not teach, either expressly or implicitly, each and every feature recited in independent claim 1.

Amended, independent claim 1 recites: "...a second elastic member made of a material different from that of the first elastic member bonded to the radial wall and interposed at an engagement of the first annular sealing plate with such one of the inner and outer members which is rotatable."

While Nicot teaches an inner reinforcement 15 fastened to the rotating inner member 54, Nicot does not disclose or suggest anything being interposed at an engagement of the inner reinforcement 15 with the rotating inner member 54. (See Nicot, at col. 2, lines 9-11, and FIGS. 1 and 3).

Accordingly, Applicants respectfully submit that Nicot neither discloses nor suggests "...a second elastic member made of a material different from that of the first elastic member bonded to the radial wall and interposed at an engagement of the first annular sealing plate with such one of the inner and outer members which is rotatable."

Further, claim 38 recites: "...wherein one of the first and second annular sealing plates which is on a fixed side is made of a metallic non-magnetic material."

In rejecting claim 38, the Examiner asserts that col. 2, line 47 of Nicot discloses the subject matter of claim 38. Nicot recites "[t]he elastic legs 31, braced by segment 32, have a gradually increasing section between the folds 31A and 31B as a function of the thickness of the reinforcement 11 and the alloy of which said reinforcement is made." (Nicot, col. 2, lines 44-47).

Applicants respectfully submit that there is no indication in Nicot as to whether the disclosed alloy of the reinforcement 11 is magnetic or non-magnetic.

Applicants respectfully submit that independent claim 1 patentably distinguishes over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claims 2-14, 34, 38, 42, and 46-48, which ultimately depend from independent claim 1, should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 4, item 4, the Examiner rejected claim 32 under 35 U.S.C. §103(a) as being unpatentable over Nicot. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

As noted above, Applicants respectfully submit that claim 32 was cancelled in the Preliminary Amendment filed June 27, 2003.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

Please note that a new Power of Attorney and Revocation of Prior Powers of Attorney (copies of which are enclosed for the Examiner's convenience) was filed for this case on November 19, 2003. The present Office Action was erroneously sent to the wrong law firm, whose Power of Attorney was revoked! Therefore, please address all

communications to Staas & Halsey LLP, USPTO customer No. 21171, at the address indicated below.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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